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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,918	11/03/2003	Yehuda Cern	2147.013USU	3868

7590 07/13/2006

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EXAMINER

PARRIES, DRUM

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,918

Applicant(s)

CERN, YEHUDA

Examiner

Dru M. Parries

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9-18 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. The indicated allowability of claim 7 is withdrawn in view of the newly discovered reference(s) to Katyl et al. (5,930,130). Rejections based on the newly cited reference(s) follow.

Applicant's arguments with respect to claims 1, 9, and 14 have been considered but are moot in view of the new ground(s) of rejection. The Examiner apologizes for falsely acknowledging that previous claim 7 was allowable.

Drawings

2. The drawings are objected to because they are hand drawn. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 9, 10, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (6,753,742) and Katyl et al. (5,930,130). Kim teaches a signal coupling apparatus comprising a capacitor (103) and switch (201) connected in series, connecting a power line (202) to a grounded circuit (203). The capacitor includes a terminal (102) for connection to the power line. Kim fails to teach a resistor in parallel with the switch. Katyl teaches a resistor (30) in parallel with a switch (31) (Fig. 3c). He also teaches the idea of relating the RC time constant to the period of the power frequency on the power line (Col. 5, lines 5-9, 22-28). Katyl fails to explicitly teach the RC time constant being substantially less than the power frequency on said power line. It would have been obvious to one of ordinary skill in the art at the time of the invention to place a resistor in parallel with the switch in Kim's invention to help reduce in-rush current when the switch is initially actuated. It also would have been obvious to one of ordinary skill in the art at the time of the invention to have the RC time constant being substantially less than a period of a power frequency on a power line, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

5. Claims 4, 6, 11, 13, 16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (6,753,742) and Katyl et al. (5,930,130) as applied to claims 1, 9 and 14 above,

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and further in view of Face et al. (6,812,594). Kim and Kaytl teach a coupling apparatus as described above. Kim fails to explicitly teach how the switch is actuated. Face teaches components for remotely actuating switches including using a time delay mechanism (Col. 1, lines 44-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to remotely actuate the switch in Kim's invention via a time delay mechanism so that planned communications can be scheduled and achieved without the user being there at the time of communication ("set it and forget it").

6. Claims 5, 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (6,753,742) and Katyl et al. (5,930,130) as applied to claims 1, 9 and 14 above, and further in view of Green et al. (4,738,421). Kim and Kaytl teach a coupling apparatus as described above. Kim fails to explicitly teach how the switch is actuated. Green teaches an insulating cord for actuating a switch (Col. 6, lines 17-19). It would have been obvious to one of ordinary skill in the art at the time of the invention to use an insulating cord to actuate the switch in Kim's invention since normally the switch will be high up (near a power line) so it will make it easier to actuate if there is a cord hanging down from the coupling apparatus.

Allowable Subject Matter

7. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dru M. Parries whose telephone number is (571) 272-8542. The

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examiner can normally be reached on Monday -Thursday from 8:00am to 5:00pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus, can be reached on 571-272-2800 x 36. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMP

7-5-2006



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800